



98. 05-14-02

\$HP

EXPRESS MAIL NO. EL897859794US

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office. U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number


<b>TRANSMITTAL FORM</b>  (To be used for all correspondence after initial filing)	Application Number	10/072,814
	Filing Date	February 8, 2002
	First Named Inventor	Trefor Southwell
	Group Art Unit	2185
	Examiner Name	
	Attorney Docket No.	858063.456

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement; Form PTO-1449 <input type="checkbox"/> Cited References <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53 <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Assignment Papers (for an Application) <input checked="" type="checkbox"/> Drawing(s) <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input checked="" type="checkbox"/> Declaration <input type="checkbox"/> Statement under 37 CFR 3.73(b) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> CD(s), Number of CD(s) _____ <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): <u>Copy of Notice to File Missing Parts</u> <u>Filing Formal Drawings</u>
---	--	--

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Individual Name	E. Russell Tarleton	 00500 PATENT TRADEMARK OFFICE
Signature	<i>E. Russell Tarleton</i>	
Date	May 13, 2002	

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date specified below.

Typed or printed name		
Signature		Date:



EXPRESS MAIL NO. EL897859794US

PTO/SB/17 (11-00)  
Approved for use through 10/31/2002. OMB 0651-0032**FEE TRANSMITTAL  
for FY 2002**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) **1,206****Complete if Known**

Application Number	10/072,814
Filing Date	February 8, 2002
First Named Inventor	Trefor Southwell
Examiner Name	
Group Art Unit	2185
Attorney Docket No.	858063.456

**METHOD OF PAYMENT**

- ☒ Payment Enclosed:  
☒ Check ☐ Credit card ☐ Money Order ☐ Other
- ☐ Deposit Account:  
Deposit Account Number **19-1090**  
Deposit Account Name **Seed Intellectual Property Law Group PLLC**
- The Commissioner is authorized to (check all that apply)  
☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any deficiencies to the above-identified deposit account.
- ☐ Applicant claims small entity status. See 37 CFR 1.27.

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	740
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
SUBTOTAL (1)					(\$ 740)

**2. EXTRA CLAIM FEES**

Total Claims	<b>17</b>	-20** =	<b>0</b>	*	<b>18</b>	=	<b>0</b>
Independent Claims	<b>7</b>	-3** =	<b>4</b>	*	<b>84</b>	=	<b>336</b>
Multiple Dependent				*		=	<b>0</b>

<u>Large Entity</u>		<u>Small Entity</u>		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 336)

\*\*or number previously paid, if greater, For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	130
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1 129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1 129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130)

**SUBMITTED BY**

Name (Print/Type)	E. Russell Tarleton	Registration No	31,800
Firm Name/Address			
Signature	E. Russell Tarleton	Date	May 13, 2002



00500

PATENT TRADEMARK OFFICE



EXPRESS MAIL NO. EL897859794US

PTO/SB/17 (11-00)  
Approved for use through 10/31/2002. OMB 0651-0032**FEE TRANSMITTAL  
for FY 2002**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) **1,206**

## Complete if Known

Application Number	10/072,814
Filing Date	February 8, 2002
First Named Inventor	Trefor Southwell
Examiner Name	
Group Art Unit	2185
Attorney Docket No.	858063.456

## METHOD OF PAYMENT

- ☒ Payment Enclosed:  
☒ Check ☐ Credit card ☐ Money Order ☐ Other
- ☐ Deposit Account:  
Deposit Account Number **19-1090**  
Deposit Account Name **Seed Intellectual Property Law Group PLLC**
- The Commissioner is authorized to (check all that apply)  
☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any deficiencies to the above-identified deposit account.
- ☐ Applicant claims small entity status. See 37 CFR 1.27

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	740
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
SUBTOTAL (1)					(\$ 740)

## 2. EXTRA CLAIM FEES

		Extra Claims		Fee from below		Fee Paid
Total Claims	17	-20** =	0	*	18	= 0
Independent Claims	7	-3** =	4	*	84	= 336
Multiple Dependent				*		= 0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 336)

\*\*or number previously paid, if greater, For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity		Small		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	130
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1 129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1 129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130)

## SUBMITTED BY

Name (Print/Type)	E. Russell Tarleton	Registration No. Attorney/Agent	31,800
Firm Name/Address			
Signature	E. Russell Tarleton	Date	May 13, 2002



00500

PATENT TRADEMARK OFFICE



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Trefor Southwell et al.  
Application No. : 10/072,814  
Filed : February 8, 2002  
For : EVALUATION AND OPTIMISATION OF CODE

Art Unit : 2185  
Docket No. : 858063.456  
Date : May 13, 2002

Box Missing Parts  
Commissioner for Patents  
Washington, DC 20231


RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Commissioner for Patents:

In response to the Notice to File Missing Parts dated March 13, 2002, please find enclosed the following documents:

  X   Fee  
  X   Oath/Declaration  
  X   Copy of Notice to File Missing Parts  
  X   5 Sheets of Formal Drawings

Respectfully submitted,  
Trefor Southwell et al.  
Seed Intellectual Property Law Group PLLC

  
\_\_\_\_\_  
E. Russell Tarleton  
Registration No. 31,800

ERT:aep

D:\NrPortbl\Manage\ATHENAP\283745\_1 DOC



Express Mail No. EL897859794US

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/072,814	02/08/2002	Trefor Southwell	858063.456

00500  
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC  
701 FIFTH AVE  
SUITE 6300  
SEATTLE, WA 98104-7092

CONFIRMATION NO. 3645

FORMALITIES LETTER



\*OC000000007629893\*

Date Mailed: 03/13/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$280.
  - \$280 for multiple dependent claim surcharge.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1150.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

00500 44682007

05/16/2002 INVENT 00000077 10072814  
01 FD:105 130.00 OP  
02 FD:101 740.00 OP  
03 PL:102 336.00 OP

***A copy of this notice MUST be returned with the reply.***

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

[illegible]



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Trefor Southwell et al.  
Application No. : 10/072,814  
Filed : February 8, 2002  
For : EVALUATION AND OPTIMISATION OF CODE

Art Unit : 2185  
Docket No. : 858063.456  
Date : May 13, 2002


Box Missing Parts  
Commissioner for Patents  
Washington, DC 20231

FILING FORMAL DRAWINGS

Commissioner for Patents:

Enclosed are 5 sheets of formal drawings, Figures 1-5, for filing in the above-identified application.

Respectfully submitted,  
Trefor Southwell et al.  
Seed Intellectual Property Law Group PLLC

  
\_\_\_\_\_  
E. Russell Tarleton  
Registration No. 31,800

ERT:aep

Enclosure:

Formal Drawings (5 sheets, Figs. 1-5)

701 Fifth Avenue, Suite 6300  
Seattle, Washington 98104-7092  
Phone: (206) 622-4900  
Fax: (206) 682-6031